

REMARKS

Patent claims 1-22 and claims 23-49 are pending. Patent claim 8 is amended for the fifth time herein. Patent claim 11 is amended for the fourth time herein. Added claims 27, 28, 44, and 46 are amended herein to independent form. Additionally, claim 46 is amended to clarify that the amino acid sequence is encoded by the respective nucleic acid sequence of claim 1. No new matter has been introduced by way of this amendment. Applicants respectfully submit that the claim amendments made herein place all pending claims in proper condition for allowance.

Preliminarily, Applicants note with appreciation the grant of a telephonic interview between the Examiner and Ms. Felicity Groth, which occurred on November 6, 2002. It was determined therein that the claim amendments made herein overcome the rejections presently outstanding.

Submission of supplemental reissue declarations will be deferred until an indication of the allowability of all of the pending claims is received. *See* 37 C.F.R. § 1.175 (b) (1); MPEP § 1414.

Applicants note with appreciation the withdrawal of the finality of the previous Office Action. Applicants also note that an Information Disclosure Statement with accompanying form PTO-1449 listing the references cited in the patent are submitted herewith. As there is no requirement for submission of additional copies of the cited references and in light of the availability of the references in the corresponding patent file, copies of the cited references are not provided herewith.

Formal drawings have been submitted herewith to the Drawing Review Branch.

Claim 11 was objected to under 37 C.F.R. § 1.173 (b) for an allegedly improper amendment. Applicants submit that the amendment to claim 11 made herein overcomes the

objection. Applicants request reconsideration and withdrawal of the objection.

Claims 15-17, 19, and 21 are rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite in the recitation of “cellular host.” Claim 8 as amended herein recites “cellular host” in the singular form. Accordingly, Applicants request reconsideration and withdrawal of the rejection.

Claims 23, 24, 31, and 46 are rejected under 35 U.S.C. § 112, second paragraph as being allegedly indefinite in the recitation of “an amino acid sequence.” Applicants disagree. Claims 23, 24, and 31 do not simply recite “an amino acid sequence” of Fig. 1 or Fig. 2. Rather, the claims recite an amino acid sequence of Fig. 1 or Fig. 2 encoded by a polynucleotide sequence (a) or (b) of claim 1 or polynucleotide sequence (a) or (b) of claim 8. Accordingly, Applicants submit that the amino acid sequence of claims 23, 24, and 31 is sufficiently limited to comply with 35 U.S.C. § 112, second paragraph.

Likewise, amended claim 46 recites an expression vector comprising a polynucleotide encoding a polypeptide comprising an amino acid sequence of Fig. 1 or Fig. 2, or fragment thereof, wherein the amino acid sequence or fragment thereof is encoded by one of nucleic acid sequences (a), (b), or (d) of claim 1. Thus, claim 46 already includes a fragment size limitation. Accordingly, Applicants request reconsideration and withdrawal of the rejection.

Claims 27, 28, 44, and 46 are amended herein to independent form. Accordingly, Applicants request reconsideration and withdrawal of the rejections for alleged improper dependency.



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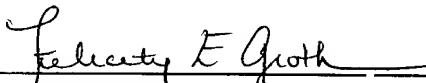
PATENT-REISSUE

CONCLUSION

A clean version of the amended claims is attached hereto. Applicants submit that the amendments made herein place the pending claims in condition for allowance. The Examiner is invited to contact the undersigned at 215-557-5908 to discuss any issues not resolved by this amendment.

Respectfully submitted,

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Attachments

Information Disclosure Statement
with Accompanying Form PTO-1449
Clean Version of Amended Claims